

**MINUTES OF THE REGULAR MEETING OF THE PLANNING BOARD OF
THE VILLAGE OF IRVINGTON HELD IN THE TRUSTEES' ROOM,
VILLAGE HALL, ON MARCH 5, 2003**

Members Present: Peter Lilienfield
Jay Jenkins, Acting Secretary
William Hoffman

Members Absent: Carolyn Burnett
Walter Montgomery

Also Present: Lino Sciarretta, Village Counsel
Edward P. Marron, Jr., Building Inspector
Florence Costello, Planning Board Clerk
Marybeth Dooley, Environmental Conservation Board
Applicants and other persons mentioned in these Minutes

IPB Matters

Considered:

- 01-26 – Danfor Realty – Harriman Road**
Sht. 13B, P-5, P-5C
- 02-05 – C.M. Pateman & Associates, Inc. / Nicodemus**
Sht. 11, P-27K
- 02-11 – Geraldine McGowan-Hall**
Sht. 11, P-27J
- 02-44 – Westwood Development Associates**
Lot 4
- 03-01 – James Mitchell**
Sht. 12B, Lot 18
- 03-04 – David Spuria**
Sht. 12B, Lot 51
- 03-05 – Sprint Spectrum, L.P.**
Sht. 3, P-103
- 03-06 – Otto & Heidi Naumann**
Sht. 13A, P-138B
- 03-07 – William Horwitz**
Sht. 15, P-121C

The Chairman called the meeting to order at 8:00 p.m.

Administrative:

With reference to a Local Law adopted by the Village Board prohibiting the Board from considering any application concerning property on which taxes are delinquent, Mr. Costello advised the Board that the Village Clerk-Treasurer had confirmed that all properties on the Agenda were current as to taxes and fees. Further,

unless otherwise noted, the Applicants submitted evidence of notice to Affected Property Owners.

IPB Matter #03-05:

Application of Sprint Spectrum, L.P. for Site Development Plan and Special Use Permit on property at 1 Bridge Street.

David Snyder, Esq., appeared for the Applicant. The Chairman reopened the Public Hearing on this application, which relates to the Applicant's construction of a public utility wireless telecommunications service facility, together with related equipment, on an existing smokestack at One Bridge Street.

The Board discussed (i) a draft of the Lead Agency's Environmental Findings Statement and (ii) a draft Resolution for a Special Use Permit and Site Development Plan Approval for this application. At the Board's request, the Applicant agreed to submit a letter from GEM Engineering Company confirming that their representatives inspected the smokestack when they did their foundation calculations.

There were no comments from the public or from Mr. Mastromonaco. The Chairman closed the Public Hearing. The Chairman noted for the record that the Planning Board is authorized to take action on this application because it involves less than 2,500 square feet of construction and is, therefore, an exception to the recently adopted Interim Development Law of the Village of Irvington.

After discussion and upon motion duly made, the Board approved and adopted the Lead Agency's Environmental Findings Statement, dated March 5, 2003 (copy attached), which concluded that no significant environmental impacts are projected as a result of the Project. Further, after discussion and upon motion duly made, the Board approved and adopted "Resolution of the Village of Irvington Planning Board for a Special Use Permit and Site Development Plan Approval to Locate a Wireless Telecommunications Service Facility at One Bridge Street, Irvington, New York" dated March 5, 2003 (copy attached and incorporated by reference herein).

Interim Development Law

The Chairman next explained that the Village Board of Trustees adopted two new laws (both effective February 27, 2003), copies of which were distributed to the Board: 1) the Interim Development Law; and (2) a law modifying the definition of permitted height to set a limit of 35 feet (except as to wireless service facilities). The Chairman explained that the Interim Development Law places a moratorium on the Planning Board's ability, among other things, to approve applications for site plan approval unless the application proposes the construction of 2,500 square feet or less of new construction (ie. total new floor area). The Chairman noted that the new Law permits applicants to seek a waiver of the moratorium from the Village's Board of Trustees. Accordingly, the Chairman explained that the following applies to the specific applications on the Board's current agenda:

- **03-07 – Horwitz:** needs waiver from the Board of Trustees because a Zoning variance would be required.
- **01-26 – Danfor Realty:** needs waiver from the Board of Trustees as it entails an application seeking subdivision approval.
- **02-05 – C. M. Pateman & Associates/Nicodemus:** This matter will not be discussed at this meeting because the Board is waiting to receive a report from its environmental consultant.
- **02-11 – Geraldine McGowan-Hall:** needs waiver from the Board of Trustees as it exceeds 2,500 sq ft of new construction.
- **02-44 – Westwood (Lot 4):** This application has already obtained a waiver from the Board of Trustees as to Lot 4 and the application may proceed.
- **03-01- Mitchell, 03-04- Spuria, 03-06 Naumann:** each of these three applications involves less than 2,500 feet of new construction and may proceed to be heard.

IPB Matter #03-01:

Application of James Mitchell for Waiver of Site Development Plan Approval for property at 50 Kingsley Close.

Chris Lynch, Contractor, appeared for the Applicant. The application relates to the proposed expansion of a deck. The matter was carried over from the February Board meeting to permit the Applicant to submit new plans showing accurate coverage calculation, an updated survey, and other information. Applicant submitted plan entitled Request for Permission to Expand Existing Deck w/Hot Tub, one sheet, prepared by Harry J. Goldstein, Architect, dated January 28, 2003. There were no comments from the public, and Mr. Mastromonaco had no engineering concerns. The Board noted the absence of the proposed Hot Tub that showed on the previous plans; the Building Inspector explained that he determined such to be an appliance, and therefore would not need to be considered by the Board in its deliberations.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site

Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #03-04:

Application of David Spuria for Waiver of Site Development Plan Approval for property at 19 Connor Court.

Chris Lynch, Contractor, appeared for the Applicant. The application relates to the proposed removal of a wood deck and construction of a stone patio. Applicant submitted Survey of Property prepared for Irvington Associates, Inc. revised June 16, 1999 by Ward Carpenter Engineers, Inc., revised February 5, 2003 with proposed improvements and topography. The matter was carried over from the February Board meeting to permit the applicant to submit new plans, confirm coverage calculations, and to provide additional information.

During discussions, the applicant agreed to modify the maximum height of the proposed stone wall in the front yard to 3 feet. As in the Mitchell application, the Board noted the absence of the proposed Hot Tub that showed on the previous plans; as an appliance this would not need to be considered by the Board in its deliberations. There were no comments from the public, and Mr. Mastromonaco's engineering comments were addressed.

The Chairman, with the Board's concurrence, stated that the application would be treated as a Request for Waiver of Site Development Plan Approval. The Board then determined that the application is for a proposed action which is a Type II action under SEQRA.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the

site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #2003-06:

**Application of Otto & Heidi Naumann for
Waiver of Site Development Plan Approval for
property at 49 Havemeyer Road.**

William FioRito, Contractor, appeared for the Applicant, who is reappearing after curing notification deficiencies. The application relates to the proposed construction of a greenhouse that is less than 2,500 square feet (thereby not triggering the new moratorium), and there is no extension of any non-conformance. Drawings entitled Greenhouse at Shafrank/Naumann Residence by Tanglewood Conservatories, three (3) sheets, no date, and Topography map prepared for Otto Naumann dated October 1998 by Charles Riley, PLS, were submitted.

There were no comments from the public and Mr. Mastromonaco had no engineering concerns. It was noted that the proposed construction was located directly above the existing garage. While the garage was partially located within the front yard, the new construction did not extend the degree of non-conformity; consistent with prior Planning Board actions, no variance was required.

After discussion, on motion duly made seconded and unanimously approved, the Board then adopted the following Resolution:

WHEREAS, the Planning Board has determined in accordance with Section 224-71 of the Village Code that the proposed construction meets conditions which permit Site Development Plan Approval to be waived in that (1) special conditions peculiar to the site exist which make submission of information normally required as part of an application for Site Development Plan Approval inappropriate or unnecessary, including the facts that the proposed construction does not violate existing zoning, will not affect any environmental features or resources requiring protection, and will not require major site disturbance or removal of any significant trees, (2) that in these circumstances, to require strict compliance with the requirements for Site Development Plan Approval may cause extraordinary or unnecessary hardship; and (3) that the waiver of requirements for

Site Development Plan Approval will not have detrimental effects on the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of Site Development Plan submission, the Official Map or Comprehensive Land Use Plan, or Zoning Ordinance of the Village of Irvington, or of any Local Law adopting or amending any of said Map, Plan or Ordinance, **NOW, THEREFORE**, the Planning Board hereby waives all requirements for Site Development Plan approval for this Application.

IPB Matter #2002-44:

**Application of Westwood Development
Associates for Site Development Plan Approval
for property at Lot 4, Westwood Subdivision.**

Mr. Pat Steinschneider appeared for the Applicant. The application relates to the proposed development of Lot 4 on the Westwood property. The Applicant obtained a waiver from the moratorium from the Board of Trustees (approved March 3, 2003). The Chairman indicated that the required infrastructure bond had not yet been posted by the Applicant; as in the past, the Board agreed to discuss the proposed development of Lot 4 but would not take any action until the bonding and other requirements had been met. The Applicant acknowledged their understanding of this.

The Applicant presented modified plans relating to Lot 4 and acknowledged that the plans are different from the plans submitted to the Board in its packet for this meeting. Further modification of the plans will need to be considered due to the recently enacted Village Law changing the maximum permissible height. The Applicant noted that the plans reflect a stone retaining wall running on the western side of the property, which would also extend across lots 2, 3, 5 and 6. The Board expressed concern about height and massing of such a long wall, its appearance from the High School, and its impact on the other lots (2, 3, 5 and 6). Mr. Steinschneider indicated that he has purchased title to lots 2-6 from Mr. Pateman, subject to purchase contracts that have been signed for lots 5 and 6. At the Board's request, the Applicant agreed to stake and ribbon the proposed wall for the Board to inspect.

The Applicant and the Board discussed drainage issues, including the possibility of piping installed at the rear of lots 2-6. The Board instructed the Applicant to review these issues with Mr. Mastromonaco and report back to the Board.

No action was taken on the Application, which was carried over to the April meeting.

The Board then took the following actions:

- The next regular meeting of the Planning Board was scheduled for April 2, 2003.

There being no further business, the meeting was adjourned at 9:15 p.m.

Respectfully submitted,

Jay Jenkins, Acting Secretary